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Thematic cluster II: sanctions monitoring teams, groups and panels, and other entities and mechanisms

United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant

Report of the Secretary-General*

Addendum

Summary

The present report contains the proposed resource requirements for the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant, amounting to $21,494,000 (net of staff assessment) for the period from 1 January to 31 December 2019.

* The present report is submitted pursuant to Security Council resolution 2379 (2017).

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I. Special political missions

United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant

($21,494,000)

Background, mandate and objective

1. Over a period of three years, from 2014 to 2017, Islamic State in Iraq and the Levant (ISIL), also known as Da'esh, occupied large parts of Iraq and committed grave abuses of international human rights law, international criminal law and international humanitarian law — acts that may amount to war crimes, crimes against humanity and genocide.

2. On 21 September 2017, through its resolution 2379 (2017), the Security Council requested the Secretary-General to establish an Investigative Team, headed by a Special Adviser, to support domestic efforts in Iraq to hold ISIL (Da'esh) accountable by collecting, preserving and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide, committed by ISIL (Da'esh) in Iraq. The Council further requested that the Investigative Team, now known as the United Nations Investigative Team to promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant, established pursuant to Council resolution 2379 (2017) (UNITAD), conduct its work to the highest possible standards to ensure the broadest possible use of the evidence collected by the Team before national courts, and complementing investigations being carried out by the Iraqi authorities, or investigations carried out by authorities in third countries at their request.

3. In addition, the Security Council underlined that, while avoiding duplication of effort with relevant United Nations bodies, the Special Adviser will also promote throughout the world accountability for acts that may amount to war crimes, crimes against humanity or genocide committed by ISIL (Da'esh) and work with survivors, in a manner consistent with relevant national laws, to ensure that their interests in achieving accountability for ISIL (Da'esh) are fully recognized.

4. On 9 February 2018, the Secretary-General, pursuant to operative paragraph 4 of resolution 2379 (2017), submitted to the Security Council for its approval terms of reference acceptable to the Government of Iraq regarding the operation of the Investigative Team in Iraq. The terms of reference were approved by the Council on 13 February 2018. In operative paragraph 7 of the resolution, the Council requests that, following the approval of the terms of reference, the Secretary-General undertake without delay the steps, measures and arrangements necessary for the speedy establishment and full functioning of the Team, in accordance with the terms of reference, and notify it when the Team begins its work.

5. The Secretary-General has formally notified the Security Council that the work of UNITAD commenced on 20 August 2018. Pursuant to paragraph 15 of resolution 2379 (2017), the Special Adviser is requested to complete the first report of the Team's activities within 90 days of the date on which it commences its activities, as notified by the Secretary-General, and to complete subsequent reports every 180 days thereafter, and to present these reports to the Security Council. The mandate of the Special Adviser and the Team is to be reviewed after a period of two years, with any further extension to be decided at the request of the Government of Iraq, or any other Government that has requested the Team to collect evidence of acts that may amount to war crimes, crimes against humanity or genocide, committed by ISIL (Da'esh) in its territory.

6. UNITAD is mandated to conduct independent impartial investigations in relation to possible atrocity crimes committed by Da'esh/ISIL. In doing so, it will operate extensively in the field, with attendant security and logistical challenges. UNITAD will require the capacities and capabilities to discharge this mandate. It will be composed of national and international experts, including those trained in criminal investigations, international criminal law, forensic evidence gathering, conflict-related sexual violence, victim and witness protection and crime scene analysis. These specialized investigation teams will be deployed across Iraq to collect evidence regarding alleged atrocity crimes.

7. The Investigative Team will also be expected to securely receive, analyse and store information and materials from a range of Iraqi and third-country sources and ensure that the appropriate security, operational and oversight protocols are in place to enable safe and effective implementation for that purpose. UNITAD will also ensure that the evidence collected, preserved and securely stored, as well as any materials and analyses produced by the Team, will be solely used in fair and independent criminal proceedings conducted by competent domestic courts in Iraq and third-party Member States.

Cooperation with other entities

8. In carrying out its mandate, UNITAD will leverage existing United Nations capacities in the country, in particular those of the United Nations Assistance Mission for Iraq (UNAMI), with respect to operational, logistical and security support. The Investigative Team also intends to work closely with UNAMI, as well as the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolutions 1526 (2004) and 2368 (2017), with respect to substantive aspects of its activities. This will include availing itself of the expertise of the Office of Political Affairs of the Mission with respect to the political context in which the Investigative Team will be operating. In addition, UNITAD intends to draw on UNAMI expertise in Iraqi criminal law and procedure, as well as the experience of its Women's Protection Unit and Child Protection Unit, with a view to ensuring a collaborative approach and the effective discharge of its mandate.

9. In conducting its investigations and analysis, UNITAD will further benefit from cooperation and exchanges of information with other key entities, including: (a) the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, in particular with respect to international best practices to protect and support victims of ISIL who have suffered sexual violence crimes; (b) the Office of the Special Representative of the Secretary-General for Children and Armed Conflict; (c) the Special Adviser to the Secretary-General on the Prevention of Genocide; and (d) the United Nations Office on Drugs and Crime, which has recently launched a new 2018–2019 programme aimed at providing legal, technical and capacity-building assistance to the national authorities of Iraq with respect to the prosecution of thousands of captured ISIL fighters.

10. The Investigative Team will cooperate closely with the members of the United Nations country team working on areas related to the Mission's mandate. This will include the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration, which are the key agencies supporting displaced populations, together with the United Nations Children's Fund (UNICEF), the United Nations Population Fund, the World Food Programme and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), which provide targeted support to victims of acts committed by ISIL (Da'esh). Another important partner will be the United Nations Mine Action Service, with respect to clearing mass grave sites and other crime scenes from landmines and other unexploded ordnances.

11. UNITAD administrative support staff will largely be embedded in UNAMI, within the mission support structure, both in Baghdad, as well as in the Kuwait Joint Support Office. Creating an integrated structure will allow for joint provision of support services to UNAMI and UNITAD by optimizing the use of existing resources on the ground, preventing potential overlap or duplication between two parallel structures, and promoting efficiencies. Services required by UNITAD that are not covered by the embedded staff will be provided by UNAMI on a standard cost recovery basis. UNITAD will also enter into a cost-sharing arrangement for security.

12. The Department of Political and Peacebuilding Affairs and the Department of Operational Support will provide backstopping to UNITAD from Headquarters in New York, coordinating and liaising with key United Nations departments and offices to ensure that UNITAD receives sustained support from Headquarters.

Performance information for 2018

13. Following the approval of the terms of reference regarding the operation of the Investigative Team in Iraq by the Security Council in February 2018, planning and preparatory activities for the deployment of the Team to Iraq have been ongoing. An assessment mission co-led by the Department of Political and Peacebuilding Affairs and the Office of Legal Affairs was carried out from 7 to 13 April with the participation of the Department of Field Support, the Department of Safety and Security and UNAMI.

14. Karim Khan was appointed as Special Adviser by the Secretary-General on 31 May 2018 and assumed his official functions on 16 July 2018 (see S/2018/773). Mr. Khan undertook his first visit to Iraq from 6 to 14 August, when he met with senior government officials, as well as with survivors, civil society groups and members of Christian, Shia, Sunni, Turkmen Shia, Kakai and Yazidi communities.

15. Under the leadership of the Special Adviser, a concept of operations has been developed to guide the work of UNITAD. Requisite staffing and resourcing have been identified to enable the Investigative Team to fulfil its mandate. The structure of the Team has been outlined, and recruitment of key staffing positions has been prioritized so as to ensure that the Team has sufficient capacity to be able to initiate operations in Iraq. Modalities for cooperation with the United Nations system in Iraq have been identified with the purpose of optimizing the use of existing resources and to avoid duplication of efforts.

16. The Special Adviser, and core UNITAD staff, will deploy to Iraq by late October 2018. Following the needs assessment mission undertaken in April 2018, premises have been identified in Baghdad for UNITAD headquarters: the former residence used by successive Special Representatives of the Secretary-General for Iraq. The building is currently under renovation and is scheduled to be ready by the middle of January 2019. While the renovation is ongoing, UNITAD staff will work, and will be accommodated in, a hotel approved by the Department of Safety and Security within the Green Zone in Baghdad. In preparation for the initiation of investigation missions across Iraq, security measures are being put in place on the ground, and the acquisition of appropriate security assets is ongoing. As part of UNITAD preliminary operations, the procedures and modalities for the safe conduct of operational, political and partnership activities are being developed, and frameworks and arrangements for engagement with national and international partners are being put in place.

17. UNITAD, in accordance with the terms of reference regarding its operation in Iraq, has already established a productive working relationship with the steering committee designated by the Government of Iraq to ensure effective coordination with the Investigative Team.

Planning assumptions for 2019

18. The Investigative Team will, by early 2019, have established its headquarters in Baghdad with initial personnel based in temporary facilities. During the course of 2019, UNITAD will increase its staffing in line with its concept of operations, which will be commensurate with the priorities and required tasks of the Team.

19. Situated in Baghdad, the Investigative Team will be able to engage fully with Iraqi authorities and commence the collection and analysis of evidence, information and other material made available by the Government of Iraq, other Member States, international organizations and non-governmental organizations, as well as directly from victims and witnesses. Concurrently, the Team will establish priorities for initial investigative tasks.

20. For UNITAD to fulfil its mandate it must be highly mobile and have the capacity to conduct investigations in the field, where crimes were committed and witnesses are located. To this end, a field investigations planning operations centre will be established to facilitate the deployment of three field investigation units, and other UNITAD components, across Iraq. Adopting a phased approach, and assuming that the security situation permits, the first unit will be deployed and start operations in early 2019. A second unit will commence work in summer 2019, with a third deployed and operational in the final three months of the year.

21. For UNITAD to be able to implement its activities as mandated by the Security Council, it is expected that assessed funding will be made available to cover its core operations. This will allow the Investigative Team to collect, preserve and store a broad range of documentary and testimonial evidence, conduct key initial forensic activities and thereby establish a strong evidentiary basis for its analytical work. It is intended that the trust fund established by the Secretary-General pursuant to operative paragraph 13 of Council resolution 2379 (2017), will be used to finance additional specialized operational activities, including exhumations, DNA analysis, demining, ballistics analysis, autopsies and other operational tasks conducted pursuant to the implementation of the Team's mandate. To that end, it is expected that Member States will make additional resources available. The Special Adviser will actively reach out to interested Member States to solicit contributions.

22. The objective, expected accomplishments, indicators of achievement and performance measures for the Investigative Team are set out below.

Table 1
Objectives, expected accomplishments, indicators of achievement and performance measures

Objective of the Organization: Da'esh/ISIL is held accountable for acts proved to independent and impartial trials to amount to war crimes, crimes against humanity or genocide

Expected accomplishments	*Indicators of achievement*	*Performance measures*	2019	2018	2017	2016
(a) Domestic efforts to hold Da'esh/ISIL accountable for atrocity crimes are supported	(i) Number of comprehensive reports produced outlining detailed and evidence-based understanding of potential responsibility of members of the Da'esh/ISIL leadership for atrocity crimes, for potential sharing with national authorities and use in criminal proceedings conducted by competent domestic courts	Target	6			
		Estimate				
		Actual				

(b) Global movement for accountability of Da'esh/ISIL is strengthened	(i) Number of awareness-raising activities and consultations conducted in order to engage Member States and international organizations in promoting the accountability of Da'esh/ISIL for atrocity crimes	Target Estimate Actual	15
(c) Capacity of domestic authorities in Iraq to conduct investigations and prosecutions is strengthened	(i) Number of capacity-building initiatives delivered aimed at strengthening the courts and judicial system in Iraq, in cooperation with relevant Member States and international/regional organizations	Target Estimate Actual	3

Outputs

- Comprehensive report produced detailing the results of mapping exercises completed, in cooperation with UNAMI and the Government of Iraq, identifying all criminal proceedings cases relating to Da'esh/ISIL members in Iraq currently ongoing in Iraq, all relevant national stakeholders to be engaged by the Investigative Team in its work and all external sources of information relevant to the investigative mandate (i.e., international organizations, non-governmental organizations and national Governments) (1)
- Reports to the Security Council on the activities of the Investigative Team, pursuant to Council resolution 2379 (2017) (2)
- Memorandums of understanding/agreements concluded with national Governments, international organizations and non-governmental bodies on the sharing of documentation with the Investigative Team regarding potential atrocity crimes committed by Da'esh/ISIL (15)
- All evidence obtained on acts that may amount to war crimes, crimes against humanity and genocide committed by ISIL kept under due chain of custody in anticipation of being handed over to the prosecution in Iraq or elsewhere as and when appropriate
- Case files compiled with respect to members of Da'esh/ISIL by collecting documentary information, conducting interviews, taking witness testimony, receiving information from victims' groups and other stakeholders and through acquisition of forensic material (50)
- Comprehensive assessments of sets of evidence conducted with respect to reliability and probative value, with gaps in evidence and material identified and filled as appropriate (30)
- Comprehensive mapping exercise completed of Da'esh/ISIL command structures and leadership (1)
- On-the-job training and coaching sessions on investigations, prosecutions and the judiciary for Iraqi counterparts working with the Investigative Team (10)
- Meetings with Member States or with regional and intergovernmental organizations on promoting accountability for acts committed by Da'esh/ISIL in Iraq and globally (10)
- Interactive sessions held with non-governmental organizations and victim groups (5)

External factors

23. It is anticipated that the Investigative Team will achieve its objectives and expected accomplishments on the assumption that (a) the security environment is conducive to its work, (b) the new Government of Iraq will support its mandate; (c) there is no impediment of case development or intimidation of witnesses and suspects; and (d) the Investigative Team receives all necessary cooperation from Member States.

Table 2
Financial resources

(Thousands of United States dollars)

	2018	2019	
	Estimated expenditures	Total requirements	Non-recurrent requirements
Category of expenditure	(1)	(2)	(3)
Civilian personnel costs	359.0	12 156.9	
Operational costs	944.7	9 337.1	3 804.2
Total (net of staff assessment)	**1 303.6**[a]	**21 494.0**	**3 804.2**

[a] An amount of $1,303,600 for the period from 1 March to 31 December 2018 is funded under the authority granted to the Secretary-General under paragraph 1 (a) of General Assembly resolution 70/250 relating to unforeseen and extraordinary expenses, appropriation for which will be sought in the context of the first performance report for the programme budget for the biennium 2018–2019.

Table 3
Positions

	Professional and higher categories									General Service and related categories			National staff				
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	Subtotal	Field Security Services	General Service	Total inter-national	National Officers	Local level	United Nations Volunteers	Total
Approved 2018	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Proposed 2019	–	1	–	2	5	15	13	–	36	42	–	78	21	29	7	135
Change	**–**	**1**	**–**	**2**	**5**	**15**	**13**	**–**	**36**	**42**	**–**	**78**	**21**	**29**	**7**	**135**

24. The initial requirements of the Investigative Team for the period 1 March to December 2018 in the amount of $1,303,600 for 12 positions and other operational costs are being funded under the authority granted to the Secretary-General under paragraph 1 (a) of General Assembly resolution 70/250 relating to unforeseen and extraordinary expenses for the biennium 2018–2019.

25. In 2019, in relation to the implementation of Security Council resolution 2379 (2017), it is proposed that 135 positions be established in the Investigative Team. A total of 73 positions are proposed for the substantive component, of which 2 would be based at United Nations Headquarters as backstopping positions, 1 P-4 in the Department of Political and Peacebuilding Affairs and 1 P-3 in the Department of Operational Support. The remaining 62 positions would be based in the field and include 49 positions for the security component and 13 positions for the Investigative Team support component, of which 11 positions would be based in Baghdad and 3 positions in Kuwait, all in the field.

26. The estimated requirements for the Investigative Team for 2019 amount to $21,494,000 (net of staff assessment) and provide for costs relating to civilian personnel costs ($12,156,900) for 135 positions (1 Assistant Secretary-General, 2 D-1, 5 P-5, 15 P-4, 13 P-3, 42 Field Service, 21 National Professional Officers, 29 Local level, and 7 United Nations Volunteers), as well as for operational costs ($9,337,100), comprising requirements for consultants ($201,000), official travel ($665,400), facilities and infrastructure ($1,755,700), including security services for facilities for the Team and the refurbishment of existing office and accommodation structures in line with security threat assessments and mitigation measures, ground transportation

($346,000), air transportation ($607,500), information and communications technology ($4,180,300), including the build-out of critical cyber security and evidence storage infrastructure, medical ($158,100) and other supplies, services and equipment ($1,423,100).

Extrabudgetary resources

27. On 15 November 2017, the Secretary-General established a trust fund, pursuant to operative paragraph 13 of Security Council resolution 2379 (2017), to support the implementation of the UNITAD mandate. Contributions will help to fund key operational activities of the Investigative Team. To date, the Government of the United Kingdom of Great Britain and Northern Ireland has contributed £1,000,000 and the Government of Qatar has contributed $100,000. The Special Adviser intends to seek additional contributions to the Trust Fund in order to supplement assessed contributions to UNITAD. While there will be a concerted effort in this regard, extra-budgetary funding is not stable or predictable. Where possible, the Special Adviser will also seek in-kind contributions from interested Member States, especially from those that can offer highly specialized items, such as equipment to carry out forensics work.